

Application No. 10/711,457
Reply to Office Action of September 25, 2006
Response dated December 21, 2006

REMARKS

Claims 1-18 remain pending in the application. Claims 1-10 and 12-18 stand rejected. Claim 11 was objected to for depending from a rejected base claim, but was indicated to contain allowable subject matter. Applicants respectfully request reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §103

Claims 1-6, 8-10 and 12-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,840,561 to Mills et al. in view of U.S. Patent Application Publication No. 2003/0184064 to Hier et al. Claims 1, 10, and 16 are the only independent claims of this rejected group. Claim 1 is directed to an automotive visor comprising "a core member having an outer surface," and "a polymeric cover layer integrally formed in place onto said outer surface of said core member." Claims 10 and 16 are directed to methods of forming automotive visors, comprising "integrally forming a cover layer in place on an outer surface of the visor core."

Applicants respectfully traverse the rejections of claims 1, 10, and 16 because Mills '561 does not teach or suggest each and every element recited in these claims, and Hier '064 does not teach a modification of Mills '561 that cures these deficiencies. Specifically, the Examiner admits that Mills '561 fails to teach or suggest "a polymeric cover layer integrally formed in place onto said outer surface of said core member," as recited in claim 1 or "integrally forming a cover layer in place on an outer surface of the visor core," as recited in claims 10 and 16. Rather, Mills '561 is directed to an

automotive visor 10 including a core 12 and a separate cover material 14 "typically made of fabric, including synthetics and natural fabrics," (Mills '561 at col. 3, lines 27-29). The core has a "clamshell" configuration, with first and second core halves 20, 22 that may be folded about a living hinge 24. (Mills '561 at col. 3, lines 43-46.) The cover material 14 is secured to the core 12 by wrapping the cover 14 around the peripheral lips 60, 62 of each core half 20, 22 and folding the core halves about the living hinge 24 to capture the edges 58 of the cover 14 between the core halves. (Mills '561 at col. 4, lines 1-29.)

Hier '064 is directed to a vehicle instrument panel comprising a retainer portion 12 having an opening 20 defining a void over an airbag 16, and a door 14 formed over the opening 20 through which the airbag 16 may be deployed. (See Hier '064 at paragraph 0020.) There is no teaching or suggestion in Hier '064 to modify the sun visor of Mills '561 such that the separate cover material is replaced with an integral molded cover, as set forth in claims 1, 10 and 16.

The Federal circuit has stated:

A critical step in analyzing the patentability of claims pursuant to §103(a) is casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." . . . Most if not all inventions arise from a combination of old elements. . . . Thus, every element of a claimed invention may often be found in the prior art. . . . However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole

claimed invention. . . . Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant.

In re Katzab, 55 USPQ.2d 1313, 1316 (Fed. Cir. 2000).

With respect to the cited references, Hier '064 discloses a two-shot method of forming an air bag door 14 over an open area or void 20 in a retainer portion 12 of an instrument panel. The door 14 includes seams that are hidden from view, but which rupture when the airbag is deployed. Hier '064 addresses the problem of forming a rupturable door over a void in an instrument panel and does not appreciate the objectives of the claimed invention. The Federal Circuit has held that "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ.2d 1780, 1783-1784 (Fed. Cir. 1992). Moreover, "[i]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." Fritch at 1784. In this case, there is no teaching or suggestion whatsoever in Hier '064 to eliminate the separate fabric cover material of a sun visor, such as that in Mills '561, and to replace the separate fabric cover material with a cover layer that is integrally formed in place as set forth in Applicants' Specification. For at least these reasons, Applicants respectfully request that the rejections of claims 1, 10, and 16 over Mills '561 in view of Hier '064 be withdrawn.

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Claims 2-6, 8, and 9 each depend from independent claim 1, and claims 12-15 each depend from independent claim 10. Claims 17 and 18 each depend from independent claim 16. Accordingly, claims 2-6, 8, 9, 12-15, 17 and 18 are in condition for allowance for at least the reasons discussed above with respect to independent claims 1, 10, and 16. Applicants further assert that claims 6 and 13 are in condition for allowance because there is no teaching or suggestion in Mills '561 or Hier '064 to integrally mold a cover layer on selected areas of the outer surface of a core member, as set forth in these claims. Applicants further traverse the rejections of claims 8, 9, 14, 15, 17 and 18 because there is no teaching or suggestion in Mills '561 or Hier '064 of an accessory that is affixed to a core member and integrally molded with a cover layer as set forth in these claims. For at least the reasons discussed above, Applicants respectfully request that the rejections of claims 8, 9, 14, 15, 17 and 18 over Mills '561 in view of Hier '064 be withdrawn.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Mills '561 and Hier '064, in further view of British Patent Application No. GB 2 336 577 to Fischer et al. Claim 7 depends from independent claim 1, and is therefore in condition for allowance because the combination of Mills '561 and Hier '064 fails to teach or suggest all elements of claim 7, as discussed above with respect to claim 1, and the further combination with Fischer '577 does not cure these deficiencies.

Specifically, Fischer '577 is directed to an automotive visor wherein an exterior fabric material 54 is positioned in a mold cavity 124 and polymeric beads are then introduced into the mold cavity so that the cover fabric 54 is bonded to the polymeric

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material. (See Fischer '577 at page 9, line 1-page 10, line 18.) Fischer '577 therefore does not teach or suggest replacing a fabric cover material of Mills '561 with a cover layer that is integrally formed in place on the outer surface of a core member.

Applicants note that the Office Action fails to indicate the relevant column or page number, and the line numbers of Fischer '577 relied upon as the basis for rejecting claim 7. Nevertheless, Applicants assert that Fischer '577 does not teach or suggest a polymeric cover layer that is formed in place onto an outer surface of a core member, wherein the cover layer is textured to simulate fabric material, as recited in claim 7. For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 7 based on the combination of Mills '561 and Hier '064, in further view of Fischer '577 be withdrawn.

Allowable Subject Matter

Claim 11 was objected to for depending from a rejected base claim, but was indicated to be allowable if rewritten in independent form. Applicants thank the Examiner for recognizing the patentable subject matter of claim 11, but believe that rewriting claim 11 in independent form is not necessary in view of the remarks above.

Conclusion

In view of the foregoing remarks set forth herein, Applicants believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is

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respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no fees are due as a result of this communication. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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